

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	)	CHAPTER 13
	)	
MARTI J. DICUS	)	CASE NO. 16-12584-MDC
	)	
Debtor	)	
-----	)	
EXETER FINANCE CORP.	)	<u>HEARING DATE:</u>
Movant	)	Thursday, February 16, 2017
vs.	)	11:00 a.m.
	)	
MARTI J. DICUS,	)	<u>LOCATION:</u>
	)	U.S. Bankruptcy Court
Respondent	)	Robert N.C. Nix Federal Courthouse
and	)	Courtroom # 2
WILLIAM C. MILLER,	)	900 Market Street
Trustee	)	Philadelphia, PA 19107
	)	

STIPULATION

COME NOW, this       day of       , 2017, *Marti J. Dicus*, through Debtor's attorney, *David B. Spitofsky, Esquire* and *Exeter Finance Corp.*, ("Exeter") by and through its attorneys, *Mester & Schwartz, P.C.*, hereby stipulate the following terms of settlement of the Motion for Relief:

WHEREAS the Debtor owns a 2009 KIA Rondo-4 Cyl. Wagon 4D LX, V.I.N. KNAFG528697246512 ("Vehicle"); and

WHEREAS Exeter filed a Motion for Relief ("Motion") with respect to missed post-petition payments; and

WHEREAS the loan has now matured;

WHEREAS the Debtor and Exeter seek to resolve the Motion; it is hereby stipulated and agreed that:

1. The Debtor will pay off the loan over the next six (6) months, plus pay \$481.00 in attorneys fees and costs to the Movant for this Motion.
2. The estimated amount of the payoff of the loan by August 24, 2017 is \$3,127.95 plus \$481.00 in fees and costs.

3. The Debtor agrees to make monthly payments of \$601.50 beginning March 24, 2017 for the next six (6) months (with payments due on the twenty-fourth of each month) to pay off the loan in full from March 24, 2017 through August 24, 2017.
4. If Debtor shall fail to make to payments under the terms of the Stipulation and Debtor fail to cure said default within ten (10) days after notice by Exeter (or its counsel) of said default, counsel for Exeter may file a Certification of Default with the Court setting forth Debtor's default and Exeter shall be granted immediate relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362), and Exeter is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law without regard to any future conversion of this matter to a different form of bankruptcy. The Debtor shall be allowed to default and cure such default under this Stipulation one (1) time. Should the Debtor default a second (2nd) time, notice of the default will be served, but the Debtor will not be granted an opportunity to cure the default and Exeter may file a Certification of Default.
5. In the event Debtor converts to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtor shall pay all pre-petition arrears and post-petition arrears due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtor fails to make payment in accordance with this paragraph, then Exeter, through counsel, may file a Certification of Default setting forth said failure and Exeter shall be granted immediate relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362) and Exeter is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law.
6. The failure by Exeter, at any time, to issue a Notice of Default or file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Exeter's rights hereunder.
7. This Stipulation is a supplement and in addition to the Contract between the parties and not in lieu thereof.
8. Facsimile signatures shall be accorded the same force and effect as an original

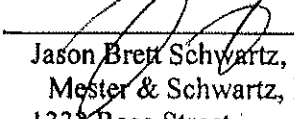
signature, and may be submitted to the Court.

9. It is further Ordered that the fourteen (14) day stay provided by Rule 4001(a)(3) is hereby waived.

BY THE COURT:

Magdeline D. Coleman  
U.S. BANKRUPTCY JUDGE

**Creditor: Exeter Finance Corp.**  
By Counsel: Mester & Schwartz, P.C.

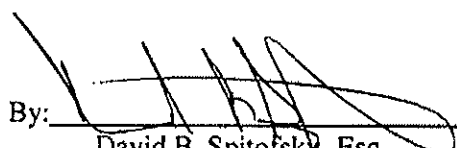
By:   
Jason Brett Schwartz, Esquire  
Mester & Schwartz, P.C.  
1333 Race Street  
Philadelphia, Pennsylvania 19107  
(267) 909-9036

DATED: 3/16/17

Seen and agreed to -- We hereby consent to the form and entry of the foregoing Order.

**Debtor: Marti J. Dicus**

By Counsel for Debtor: David B. Spitofsky, Esq.

By:   
David B. Spitofsky, Esq.  
Law Office of David B. Spitofsky  
Norristown, PA 19401  
(610) 272-4555

DATED:

3/21/17  
No Objection:

  
TRUSTEE

**\*without prejudice to any  
trustee rights or remedies**

Please send copies to:

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Drexel Hill, PA 19026

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516 Swede Street  
Norristown, PA 19401

William C. Miller, Trustee  
1234 Market Street, Suite 1813  
Philadelphia, PA 19107

Office of the U.S. Trustee  
833 Chestnut Street, Suite 500  
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